

RESOLUTION # 2018 - 98

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING SETTLEMENT OF IMO THE APPLICATION OF THE BOROUGH OF MOUNT ARLINGTON

WHEREAS, the Borough of Mount Arlington, in accordance with the Supreme Court's Order issued in IMO Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), filed an application seeking Declaratory Judgment and Substantive Certification for its Fair Share Housing obligation in the action entitled IMO the Application of the Borough of Mount Arlington, bearing Docket No. MRS-L-1657-15, Morris County Superior Court, Chancery Division; and

WHEREAS, Fair Share Housing Center, as it has been for all cases, is considered an Intervenor in the above-mentioned matter; and

WHEREAS, the trial judge appointed Elizabeth C. McKenzie, P.P. A.I.C.P., as the Special Court Master (hereinafter the "Special Master"), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with the assistance from the Special Master, the Borough and Fair Share Housing Center have exchanged various expert reports and have engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in a proposed settlement agreement; and

WHEREAS, through this process, the Borough and Fair Share Housing Center agreed upon the Borough's affordable housing obligations and the compliance techniques necessary for the Borough of Mount Arlington to satisfy its "fair share" of the regional need for low-and moderate-income housing; and

WHEREAS, if approved, the Borough and Fair Share Housing Center have agreed to present the proposed settlement agreement to the Trial Judge for approval at a duly-noticed Mount Laurel Fairness Hearing; and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) the expedites the construction of safe, decent housing for the region's low-and moderate-income households; and

WHEREAS, the Borough Planner and Borough Attorney have reviewed the settlement agreement, and hereby recommend that based on the relative position of the Borough of Mount Arlington, that the governing body consider the settlement that has been negotiated with Fair Share Housing Center which will bring the aforementioned matter to a conclusion with an Order from the Court concluding that the Borough is compliant with its Affordable Housing Obligation and entitled to Substantive Certification and immunity from any subsequent Builder's Remedy Action for a finite period of time.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mount Arlington, in the County of Morris and State of New Jersey, as follows:

1. The Mayor is hereby authorized to execute the proposed Settlement Agreement;
2. The Mayor and Council hereby directs its Borough Attorney and Borough Planner to (a) file the fully-executed Settlement Agreement with the Court for review and approval at a duly noticed Fairness and Preliminary Compliance Hearing, (b) take all actions reasonable and necessary to secure an Order approving the Settlement Agreement with Fair Share Housing Center, and (c) work towards ultimately securing judicial approval of the Borough's Housing Element and Fair Share Plan, after it is adopted by the Borough Planning Board and endorsed by the Mayor and Council.

BE IT FURTHER RESOLVED that a copy of the Mutual Settlement Agreement is on file with the Borough Clerk's Office.

This Resolution shall take effect immediately.

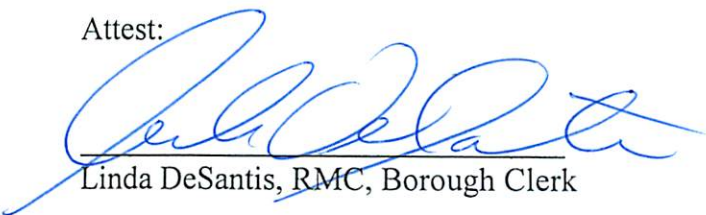
I HEREBY CERTIFY this to be a true and correct Resolution of the Borough Council of the Borough of Mount Arlington and adopted on June 12, 2018.

Approved:



Michael Stanzilis, Mayor

Attest:



Linda DeSantis, RMC, Borough Clerk

